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Submission to National Council of Provinces on the Broadcasting Act Amendment Bill ("the Bill")

5 September 2008

Submission by the Media Monitoring Project

1. Introduction

The Media Monitoring Project (MMP) again welcomes the opportunity to make a submission to the National Council of Provinces (NCOP) on the Broadcasting Act Amendment Bill ("the Bill").

1.1 MMP's Constitutional Assumptions

As a human-rights based NGO, MMP understands the institutional role of the SABC as fundamental not only to fulfilling its role as a public broadcaster but also to realising citizen's constitutional right to receive and impart information. Further, as a key public institution and core component of the media environment in South Africa, the SABC's role in entrenching South Africa's democracy cannot be underestimated. Given its function and purpose as a public broadcaster, when the SABC's independence and ability to fulfil its role as public broadcaster is compromised and undermined so too is South Africa's democracy. As such, as the representative of the people of South Africa, parliament has a clear and fundamental obligation to ensure the independence and integrity of the SABC, and also an equally clear responsibility to ensure all relevant legislation clearly and unambiguously entrenches and protects the independence and integrity of the SABC. Therefore, MMP respectfully submits that any Bill or piece of legislation relating to the SABC must be written to serve in the best interests of the people of South Africa and the fundamental principles of public broadcasting as a whole. Accordingly, MMP welcomes the current efforts by parliament aimed at starting to resolve some of the current crises facing the SABC.

1.2 MMP and the Save our SABC – Reclaiming Our Public Broadcaster (SOS Coalition)

MMP is a founding member of the civil society coalition, **Save our SABC – Reclaiming Our Public Broadcaster (SOS Coalition)**. It is to be noted that this submission is to be read in conjunction with the SOS coalition submission, and thus MMP fully supports the content and aims of the Submission. We reiterate the SOS coalition and submission's position that the draft amendment bill is a short-term temporary measure that seeks to resolve immediate issues, and begins the longer-term process of restoring the credibility and integrity of a key public institution including a comprehensive review of all related legislation.

Given the history of the SABC as an instrument of political propaganda, and that we are still in the process of entrenching South Africa's democracy, issues of trust and credibility, and independence from political interference, must be addressed. Public concern exists over political interference in the appointment and operation of the SABC Board and Organisation. Whether or not this interference is real or simply a perception does not mean that it should not be addressed as a matter of urgency, as perception itself undermines the credibility and integrity of the public broadcaster, and ultimately undermines citizen trust in a fundamental public institution.

2. Inadequacies in the current Bill

MMP notes the positive developments that have been included in the Bill following the public hearings before Parliament's Portfolio Committee on Communication. It is respectfully submitted that while the Bill is clearly aimed at addressing particular issues, it is absolutely critical that the Bill ensures that its content does not perpetuate or contribute to the repetition of or formation of new crises in the SABC as a result of its enactment. If the current bill is to serve a positive and constructive purpose in addressing some of the crises at the SABC, MMP notes that some key areas remain to be addressed. The SOS coalition submission addresses the most urgent and essential of these issues. MMP's supporting submission seeks to draw attention to two key elements highlighted in the SOS coalition submission, and to emphasise

their importance in helping to restore the SABC's credibility and in setting a positive precedent that will serve the SABC in the future.

The two elements are:

- Encouraging open and transparent practice in the nomination, selection and appointment of new non-executive board members of the SABC; and
- In the criteria for members of an interim board;

2.1 Building and restoring credibility to the SABC and parliament

In addressing the crises at the SABC, it is vital that we acknowledge that the crises are not only of the SABC's own making but that the Minister of the Department of Communications as well as Parliament's Portfolio Committee on Communication have also contributed to these crises. MMP submits that the evidence of this can be found in the most recent board appointment procedure, and in the need for an overhaul of the broadcasting regulations as expressed by the Minister of Communications in her budget vote speech in April this year, where she said, "It is evident that both the Executive and Parliament will have to review the legislation."

A legislative overhaul and review is necessary precisely as a result of the many difficulties, contradictions and challenges that exist in the current broadcasting legislation and the structure of the SABC. Thankfully, parliament has gone some way in acknowledging its responsibility by initiating this piece of legislation, and while it is a small step it is also an important one. We must not be under any illusion that it is only the credibility of the SABC, its board, appointment and removal procedures that are at stake. These are a consequence of poor legislation, and thus also bring into question the credibility of parliamentary procedures as well.

The issues raised in the Bill go beyond party politics, they go beyond political grandstanding and points scoring and even beyond Polokwane. MMP submits that the issues of credibility of the public broadcaster and of parliament as two of the most important public institutions go to the heart of democracy. Citizens need to perceive the public broadcaster as being a credible source of information, with unbiased and quality news coverage that enables informed judgement. Moreover, citizens also need to see parliament as a credible centre of decision making, which lives up to and truly merits the power bestowed in office holders to make decisions in the public interest. Credibility justifies decision making power and the resulting decisions made, and it also justifies the need for and place of democratic institutions.

Intimately linked to the issue of credibility is the issue of trust, and this is essential for the effective working of a democracy and its public institutions. If people do not trust an institution it is highly unlikely that the institution will have or be able to build any credibility for operating according to their mandate and in the best interests of citizens. Similarly, MMP submits that if an institution has credibility it will be far more likely to have greater degree of public trust. Again, these concepts have a greater value and importance than political points scoring; they are central to democratic process and democratic institutions.

A few months ago, the SABC published research conducted by the HSRC that was focused on Public Confidence in Institutions and peoples levels of trust in them. SABC took great delight in pointing out that it was the second most trusted public institution coming in just behind churches. (A copy of the relevant pages from the study is attached) While this was good news for the SABC at the time, there are two key factors relating to the research that should be noted. The first is that given the recent public crises and conflicts at the SABC, it is highly unlikely that if repeated, research in the current environment would find people having as much trust and confidence in the SABC. Certainly, recent public commentary on an M&G online forum regarding the SABC reflected low levels of public confidence. (See

<http://www.thoughtleader.co.za/talkback/2008/05/22/what-is-your-vision-for-the-sabc/>) The second key factor is that political parties were last on the research results list, demonstrating the lowest level of confidence. In addition, while Parliament came in 6th, the trend in the level of confidence from 2003 to 2007 indicates a significant and continued downward trend. It may be a worldwide and tragic concern that politicians and parliament are the object of mistrust and ridicule, and do in many instances deserve such views, however in a young democracy like ours it is essential that we all work to build confidence, trust and credibility of our politicians and parliament. Our public institutions, while robust, require ongoing support to entrench them.

3. What are we proposing?

MMP submits that we need to strongly consider the basics when viewing the current legislation and proposed amendment. MMP submits that in considering the current Bill, we borrow from arguably the most rudimentary element of any democracy, the elections process. One of the key elements of democratic elections is that the only thing secret is who each person votes for, while all other elements are noticeable for their openness, clarity and transparency. For elections to be deemed democratic, they must be free and fair, and for them to be free and fair all processes need to be clear, open, accountable and transparent. Democratic elections need to be free and fair not only in practice but also in perception, so that the results are credible with citizens.

On election day clear policies and regulation ensure that voting takes place in secure areas, that parties cannot campaign closer than a certain limit, that id's are checked, thumbs marked and that ballots are secret. Counting and voting takes place in front of party officials to ensure no rigging takes place. There are a range of election observers from national and international bodies and special regulations that come into play which focus on media coverage. Another central element to the elections process is that they are clear, people know how the elections work and generally speaking processes for resolving counting discrepancies or ties are clearly spelled out in election policies and legislation.

As noted earlier the role and importance of the SABC as a public institution and public broadcaster cannot be underestimated especially with national elections around the corner. With its credibility and public trust severely dented, the current bill affords parliament an ideal opportunity to help restore some of that credibility, integrity and clarity to the SABC.

Part of this means applying clear, open and transparent processes in the nomination and appointment procedures. In this regard the MMP reiterates the general position of the coalition but recommends the following addition:

3.1. The NCOP is respectfully requested to make the following proposed amendments to the Broadcasting Act in regard to the process of appointment of non-executive Board members to re-instill public confidence in the non-executive members of the Board:

3.1.1. replacing subsection 13(2)(c) with the following:

"that a shortlist of candidates for appointment is published (including electronically), which shortlist is to include the names of the person(s) nominating such candidates and detailed *curricula vitae* of such candidates;"

3.1.2. inserting new subsections (d) and (e) after subsection (c) in section 13(2) as follows:

"(d) that interviews of persons on the shortlist are open to the public; and

(e) that a written evaluation of every short-listed nominee is published (including electronically) by the relevant Portfolio Committee, taking into account the objects and principles of this Act."

3.1.3. The above amendments will be required to be made in section 2 of the Bill.

In considering these particular requested amendments, it should be noted that while they will require a degree of resources to fulfil them, the level of resources required is small relative to the importance of the positions, and that many of the processes should already be taking place and it is simply a matter of formalising the requirements and ensuring the public release of documentation. In addition, MMP submits that that adopting such processes will also lend greater credibility to the process through greater openness and transparency, and it will also lend greater credibility and clarity to the SABC board and parliament.

MMP has noted that during the Parliamentary Portfolio Committee on Communications Informal Deliberations on the Bill, the spirit of the SOS Coalition's suggestions of written evaluation was agreed with (a copy of the report is attached). There was also further support expressed for written evaluations lending greater legitimacy and credibility to the selection process and that it would help address any issues of unfairness or bias. MMP understands that the concern at that stage was that it would be unreasonable to request a written evaluation of every nominee. The Committee Chairperson however suggested that the requirement of written evaluations be limited to those candidates that had been short-listed. The MMP fully supports this position and accordingly urges that it be included in the final version of the Bill.

In terms of an interim board, the MMP welcomes the level of clarity achieved in terms of the period of which the board will be in place as well as the number of members. Again, MMP endorses the position of the SOS Coalition with respect to the need to provide clarity on the distinction between executive and non-executive board members, as well as the importance of including criteria for members of the interim board.

MMP respectfully submits that it is necessary to clearly articulate the interim board-specific criteria so that there can be no question of political interference or over the credibility and integrity of a member. Given that if the interim board is constituted in the near future it will likely be in place over an election period, it is absolutely fundamental that the people appointed and the processes and criteria for which they are appointed are clear and open. Accordingly, the MMP submits that the criteria as first presented to the Portfolio Committee on Communication public hearings submitted by the collation should be selected. They are as follows.

(6) The five interim non-executive board members to be appointed by the President in terms of sub-section (5) are subject to the disqualification criteria set out in section 16 and must consist of:

(a) a person with knowledge of and at least 5 years' management experience in the broadcasting industry;

(b) a person with knowledge of and at least 5 years' experience in financial management of large institutions or enterprises;

(c) an academic or practising attorney or advocate with at least 10 years' experience in the fields of freedom of expression, communications, media law and/or related fields;

(d) a person with at least 10 years' experience in civil society non-profit organisations focusing on human rights and/or transparency and the right of the public to be informed; and

(e) a person with at least 10 years' experience in the labour movement.

4. Conclusion

In conclusion, it is perhaps worth considering what the implications would be if the suggested changes contained in MMP's submission as well as those of the SOS Coalition are not incorporated. In the first instance, the identified gaps in the Bill are likely to result in a number of legal and possibly constitutional challenges, which will delay the legislation and ensure the ongoing crises at the SABC. Secondly, failure to incorporate the changes will feed public perceptions of parliament pursuing purely party-political agendas and failing to act in the best interests of the people of South Africa and the public broadcaster. Thirdly, it will significantly undermine the positive initiative that parliament has taken to resolve the crises at the SABC and, finally, it will do little to help restore the credibility of the SABC or reinforce the credibility of parliament.

MMP thanks the NCOP for the opportunity to make this submission, and hereby requests allocated time for an oral presentation during the Bill's public to expand further on the importance of this submission as well as related elements of the Coalition's submission.

Please do not hesitate to contact me at the numbers above should there be any queries over our submission.

Yours sincerely,

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Between TRUST and SCEPTICISM

Public confidence in institutions

Internationally, measures of institutional trust are seen as a 'good thermometer of malaise' in a country. Since 2003, a set of questions included in the annual SASAS, asked a nationally representative sample of people older than 16 their views on their levels of trust in a series of important public and private institutions. BE ROBERTS analyses the findings.

THE COMBINED RESULTS of the SASAS and that of the earlier HSRC national opinion (EPOP) surveys, conducted from 1998–2001, shows a demonstrable improvement in public confidence in institutions, rising from an average of 47% in 1998 across 12 institutions to above 60% in 2004 (Table 1).

Table 1: Trust in Institutions, * 1998–2007 (ranked in descending order by levels of trust in 2006)

Trust in:	1998	1999	2000	2001	2003	2004	2005	2006	2007
Churches	82	81	74	81	84	81	81	82	82
The SABC	..	..	..	..	75	73	71	72	..
The Independent Electoral Commission (I C)	..	54	49	63	63	69	65	68	..
National government	47	60	43	52	57	69	64	59	52
Big business	56	55	39	43	57	55	53	56	..
Parliament	..	..	..	..	57	65	59	55	46
Your provincial government	41	50	34	..	52	63	59	54	..
Courts	42	45	37	45	50	58	56	52	49
Defence Force	48	..	45	49	62	56	59	49	..
Your local government	37	48	32	38	45	55	48	44	34
The police	42	47	39	40	42	46	45	39	39
Political parties	30	39	29	27	..	..	42	37	27
Average (all items)	47	53	42	49	59	63	59	56	47
Sample size	2 182	2 672	2 611	2 530	4 980	5 580	5 733	5 843	3 163

Sources: HSRC EPO survey 1998–2001; HSRC SASAS 2003–2007

* percentage saying that they 'strongly trust' or 'trust' in each of the following institutions in South Africa at present. Figures shaded in green indicate year-on-year improvements in trust, while figures in orange represent year-on-year declines in trust.

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MARKED DECLINE IN TRUST

But in contrast to the preceding years, the data from late 2005 show a worrisome reversal in trust in virtually all major public institutions, particularly local government and Parliament, but also the other two tiers of government. This downward trend continued into 2006 and 2007.

Over the three-year period between 2004 and 2007, trust in local and national government and in Parliament dropped by approximately 20 percentage points, and by 16 percentage points in relation to political parties (Table 2).

Table 2: Changes in institutional trust between 1998 and 2007 (percentage point differences)

Institution	Percentage point change		
	2004–2006	2004–2007	1998–2007
Your local government	-11	-20	-3
National government	-11	-18	+11
Parliament	-10	-19	n.a.
Political parties	-6**	-16**	-4
Courts	-6	-9	+10
Your provincial government	-9	n.a.	+14*
Defence Force	-8	n.a.	0*
The police	-7	-6	-3
The Independent Electoral Commission (I C)	-1	n.a.	+14
The SABC	-1	n.a.	n.a.
Churches	+1	+1	0
Big business	+2	n.a.	0*
Average (all items)	-5	-13	+4

Sources: HSRC EPOP survey 1998; HSRC SASAS 2006, 2007

Note: n.a. = not applicable, due to lack of available data

* Reflects changes between 1998 and 2006

** Reflects change since 2005

Modest but notable declines in trust (between 5 and 10%) were observed between 2004 and 2006 in relation to the courts of law, provincial government, the defence force and the police.

National and provincial governments, Parliament and the courts received slim majority support in 2006, though by the end of 2007, only national government retained the confidence of more than 50% of the public.

South Africans appear somewhat less likely to place confidence in their local government and the police (34% and 39% respectively in 2007), which are institutions at the forefront of government service. Political

parties have consistently received the lowest trust ratings (27% in 2007) of all the political and social institutions examined.

In spite of the declining confidence in government and other institutions of representative democracy over the past few years, it is equally important to bear in mind that in many instances the levels of trust still remain above those reported in the late 1990s. In the case of the IEC, provincial government, national government and the courts of law, levels of public trust in 2007 were more than 10% higher than in 1998. Exceptions include political parties, local government and the police, in which confidence remains marginally below 1998 levels.

IN THOSE WE TRUST

Over the decade, the majority of citizens (81% on average) have consistently and resolutely shown that they are most likely to express greatest confidence in religious institutions, such as churches. This is a typical pattern across sub-Saharan Africa.

This is followed by trust in the national broadcaster, SABC, which exceeded 70% between 2003 and 2007. The Independent Electoral Commission (IEC) has also received fairly healthy approval ratings, with majority support from about two-thirds of the adult population since 2001.

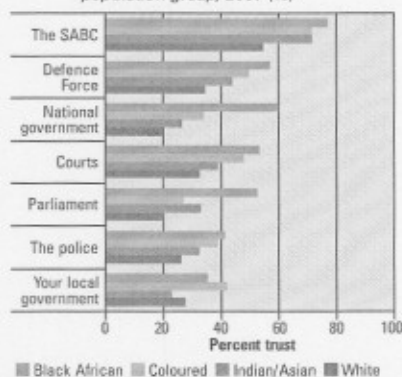
TRUST BY RACE GROUP

Looking beyond national averages, levels of trust in institutions continue to exhibit important variations by race. There does appear to be broad agreement in the ranking among the different population groups with respect to the institutions they trust the most (religious organisations, media) and the least (political parties).

However, there remains a substantial difference in both ranking and actual levels of trust in institutions in-between the two extremes. For example, in 2006, trust in provincial government, national government and Parliament was more than three times higher for black South Africans compared to white South Africans, and four times as high in relation to political parties (Figure 1).

Support levels for the police and courts are low among both black and white citizens, which may reflect concern over crime and safety. Institutional trust among the coloured and Asian population is reported mainly at intermediate levels between those expressed by the black and white population.

Figure 1: Trust in selected institutions by population group, 2007 (%)



Note: The results for the SABC and Defence Force are for 2006, due to a lack of data for 2007.

Is there any evidence to suggest that gaps between population groups in institutional trust have begun to close over the last decade? The trends are rather mixed.

In many cases, there does not appear to be anything more than small reductions in the percentage point differences between different population groups, though there are some exceptions. Most notable is the significant convergence in attitudes towards local government. This is attributable to rising mistrust among the black population (falling from 46% in 1998 to 35% in 2007), compared with a small increase in trust among the white population.

Between 2004 and 2007, trust in local government fell by 25 percentage points for black citizens, a figure far exceeding any other population group. The result has been that a gap of 30 percentage points in 1998 between black and white adults had diminished to a mere 7 percentage points in 2007, with only around a third of both groups expressing trust in their local municipality.

CAUSES OF MISTRUST

What could be driving the rising mistrust in the country's political institutions? On the basis of other studies, a number of plausible hypotheses emerge:

- * political scandal;
- * self-enrichment and conspicuous consumption among officials and leaders;
- * critical media messages about politicians and the government;
- * a public perception that societal problems such as poverty and crime are not being solved;
- * perceived poor responsiveness of politicians to citizens' grievances; and

* ineffectiveness in delivering upon developmental promises.

Other factors to be considered include illiteracy, which constrains access to knowledge and information; and the lack of first hand knowledge of many institutions due to geographic isolation from many public institutions. In coming months we will examine the relative importance of competing explanations, and how these are evolving over time.

NEED FOR ALARM?

Claims that such results constitute a 'crisis of democracy' would be misplaced. It is too early to determine whether the post-2004 trend represents a transitory downturn or the beginning of a gradual but sustained erosion of confidence, especially since trust in many political institutions remains higher than the late 1990s.

Also, there is an argument in the literature that a certain amount of wariness and scepticism is a healthy sign for a democracy, since it implies the emergence of 'critical citizens' that do not place blind faith in public institutions.

But there is still cause for concern, particularly for a fairly young democracy such as South Africa. The survey findings suggest that the professed 'Age of Hope' has lost some of its lustre over the last few years as the 'mood' of the nation has taken a negative turn in the face of uncertain times.

A continued steady decline in public confidence, especially in the principal institutions of representative democracy, could present a risk in that the healthy scepticism associated with critical citizenship is increasingly replaced with political disaffection and alienation. This in turn could begin to undermine the legitimacy of the state.

Of note is the fall in confidence in Parliament, given that the legislature constitutes the main representative institution that links citizens to the state, while the dwindling trust in local government speaks volumes on perceptions of government performance. And trust matters, because the extent to which citizens deem political institutions and leadership trustworthy may ultimately inform their political participation and voting behaviour, support for government policies or reforms, and interpersonal trust.

These findings clearly point to the need for the continuous monitoring of public confidence in our society's institutions, especially in a post-Polokwane context. ●

**REPORT RE: PARLIAMENTARY DELIBERATIONS ON THE BROADCASTING AMENDMENT ACT BILL
("BILL") HELD ON THURSDAY 7 AUGUST 2008**

General

The deliberations were held at Good Hope Chambers with most political party representatives being in attendance. The following parties were present and participated in the debate: the African National Congress ("ANC"); the Democratic Alliance ("DA"), the Inkatha Freedom Party ("IFP"); the South African Communist Party ("SACP"). Deliberations were adjourned till Tuesday 12 August 2008.

By and large the parties in attendance and the Chairperson of the Parliamentary Portfolio Committee on Communications ("Committee") were extremely complimentary of the submissions made by the Civil Society Coalition ("Coalition") and applauded civil society for taking the time and making the effort to become involved in this issue. It was agreed that a holistic approach ought to be adopted in addressing the complete legislative framework governing the South African Broadcasting Corporation ("SABC"). However, given the circumstances that the SABC finds itself in and the immediate impact that this has on the greater public, it was agreed that this forum should not be dealing with issues that would rightly be dealt with by the legislature if and when issues surrounding the legislative framework is addressed to find long term solutions.

The process adopted at the deliberations

Having identified the Coalition's submissions and proposed draft of the Bill to contain worthy suggestions, the Committee went through each and every provision of the Coalition's proposed draft Bill and deliberated on the contents.

For purposes of this report, I have dealt with Coalition's proposed draft Bill in accordance with the sections set out by the Coalition.

1. Amendments to section 13 in Act 4 of 1999

- (a) The reference to "public officials" was seen to be problematic, in that the Committee felt that the term was too wide and included even public servants. The view from the parties was that the nomination process ought to be an open and transparent process and that there should be full disclosure from nominees of potential conflicts of interest. The Chairperson recommended that this issue be revisited at the next deliberation.
- (b) Publication of short-listed candidates' details – The parties were all in agreement that the process should be open and transparent and subject to public scrutiny so as to give it legitimacy. The ANC, in particular, felt strongly, that the requirement of publishing such candidates curricula vitae's (CVs) is unduly cumbersome. The Chairperson suggested that perhaps parties could explore the possibility of these CVs being open to public inspection or should a member of the public request a CV, that could be provided.

- (c) Interviews of short-listed candidates be open to the public – there was complete agreement on this point.

Written evaluations – the parties agreed with the spirit of this suggestion, in that the decision maker is forced to properly exercise his or her mind in making the decision, it was also agreed that this exercise would give legitimacy and credibility to the selection process and address any issues of unfairness or bias. However, there was concern as regards the Coalition's suggestion that " a written evaluation of every nominee is published" – the requirement that every nominee be given a written evaluation was seen to be burdensome and an administrative difficulty. The Chairperson suggested that the requirement of written evaluations be limited to those candidates that have been short-listed. This point is to be deliberated further.

- (d) Enjoy the confidence and trust of the Board – it was argued that such a provision does not add any value to the current legislation and the DA argued quite strongly that such a provision is not enforceable and therefore should not be included.

Broadly representative of South African society – here again the parties argued that this provision does not add any value in current times.

Act as trustees of the public interest... - this suggestion received full support from the Committee.

Qualifications and expertise – the Committee took the view that the provision as contained in s13(4) of the Broadcasting Act 4 of 1999 ("the Act") was far more detailed and should remain.

- (e) Time period regarding the holding of office – the DA argued that there was great merit in staggering the appointment of new non-executive Board members, as this gave the Board a sense of continuity. The Committee acknowledged that such a provision could be considered in the future when the complete legislative framework was being reassessed. At present, such a provision is in contradiction of dissolution of the Board.
- (f) Amendment to s13(7) - the Committee argued that this amendment was not necessary at this stage.
- (g) Amendment to s13 (8) – the Committee argued that this amendment was not necessary at this stage.
- (h) Executive members of the Board are appointed at the sole discretion of non-executive members – the Committee will deal with this issue at its next meeting.

2. **Amendments to section 14 in Act 4 of 1999**

The Committee agreed with this suggestion.

3. **Amendments to section 15 in Act 4 of 1999**

- (1) Grounds for removal - the Committee agreed with the grounds cited by the Coalition
- (2) Removal after due process – the Committee agreed that due process would need to be followed prior to the removal of any Board member, this point is to be revisited at the next meeting.
- (3) to (5) Presidential powers – the Committee completely disagreed with the Coalition's suggestion in their draft proposal and argued that this direct interference was a violation of the separation of powers doctrine. These points will be fully argued at the next meeting.

I informally conveyed the Coalition's new position on the appointment of interim Board to representatives of the DA, IFP and ANC, in that, Parliament selects the interim Board, within specified criteria and strict time frames as suggested by the Coalition, and the President then has a non-discretionary power to appoint. The interim Board is in place for a period of 3 months. Alternatively, the President appoints the interim Board and Parliament must give their assurance that they can select within a short period of time, 7 to 10 days, and they are bound by the selection criteria. If they fail to act, the President must take responsibility to do so.

The DA, IFP and ANC seemed to favour the first option. These issues will be further deliberated. However, the Committee felt that 3 months was too short a time and that 6 months for the interim Board would be far more feasible.

- (6) Selection criteria - the Committee, in particular, the DA, felt that selection criteria was self-serving on the Coalition's part. The Committee took that view that current selection criteria in the Act was sufficient and should remain applicable.

4. **Amendments to section 16 in Act 4 of 1999**

The Committee agreed with the spirit and broad objectives of the Coalition's suggestion is setting out the disqualification criteria, there was concern as regards ss(1)(a)(c) as clarity is needed on the
ss(1)(a)(c) this will be dealt with at the next meeting.

5. **Deletion of s17 in Act 4 of 1999**

This amendment is dependent on the Committee's decision as regards the previous paragraph and will be dealt with at the next meeting.

6.